

EXHIBIT B

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

TENNESSEE CONFERENCE of
the NATIONAL ASSOCIATION
for the ADVANCEMENT of
COLORED PEOPLE, on behalf
of itself and its members,
et al.,

Plaintiffs,

vs. Civil Action No. 3:20-cv-01039

WILLIAM LEE, in his official
capacity as Governor of the
State of Tennessee, et al,

Defendants.

VIDEO DEPOSITION OF:

JUANITA SHAW

September 30, 2022

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Chris Massey and Charles Powell, Videographers

1 INDEX

2

3 Examination by Ms. Bowie 6

4 Examination by Mr. Denmark 71

5 Re-Examination by Ms. Bowie 83

6 Exhibit A "Complaint for 9

7 Declaratory and

8 Injunctive Relief"

9 Exhibit B COR Form 28

10 Exhibit C "Restoration of 86

11 Offender Voting Rights"

12 Exhibit D 1/13/22 email from 101

13 Mr. Goins to Mr. Roberts

14 Exhibit E 6/17/22 email from 101

15 Mr. Goins to Mr. Roberts

16 Exhibit F Alexander COR Form 105

17 Exhibit G Emails and COR Forms 105

18 pertaining to Henry Wells

19

20

21

22

23

24

25

1 The video deposition of Juanita
2 Shaw, taken on behalf of the PLAINTIFFS, at 10:05
3 A.M., on the 30th day of September, 2022, for all
4 purposes under the Tennessee Rules of Civil
5 Procedure, to be used for ALL PURPOSES, in the
6 above-styled cause, before Katy Beres Melcher, Court
7 Reporter, at 211 Commerce Street, Suite 800,
8 Nashville, Tennessee in accordance with the
9 following stipulation.

10
11
12
13 S T I P U L A T I O N

14
15 The formalities as to notice,
16 caption, certificate, transmission, et cetera, are
17 expressly waived.

18 It is agreed that Katy Beres
19 Melcher, being a Licensed Court Reporter for the
20 State of Tennessee may swear the witness remotely.

21
22 *** *** ***

1 THE VIDEOGRAPHER: Here begins the
2 deposition of Juanita Shaw in the matter of
3 Tennessee Conference of the National
4 Association for the Advancement of Colored
5 People on behalf of itself and all its members,
6 et al. versus William Lee in his official
7 capacity as Governor in the State of Tennessee,
8 et al. This case is pending in the United
9 States Court for the Middle District of
10 Tennessee. The civil action number is
11 3:20-CV-01039.

12 Today's date is September 30th, 2022, and
13 the time on the video monitor is 10:05. The
14 video operator today is Charles Powell. This
15 video deposition is taking place at Baker
16 Donelson, 1600 West End Avenue, Suite 2000
17 Nashville, Tennessee 37203.

18 Counsel, please identify yourselves and
19 state whom you represent.

20 MS. BOWIE: Blair Bowie, counsel for
21 Plaintiffs.

22 MR. GRANT: Denmark Grant, counsel for
23 Plaintiffs.

24 MR. VARELA: Pablo Varela and Janet
25 Kleinfelter for the Defendants.

1 THE VIDEOGRAPHER: Would the court
2 reporter please swear in the witness.

3 - - -

4
5 JUANITA SHAW,
6 having been first duly sworn, testified as follows:
7 EXAMINATION BY MS. BOWIE:

8 Q Okay. Good morning.

9 A Good morning.

10 Q How are you today?

11 A I'm well.

12 Q All right. Well, thanks for coming down
13 here. Again, my name is Blair. I'm representing
14 the Plaintiffs in this case.

15 So, I'm going to go over just some
16 instructions before we start just so we can set some
17 ground rules and you know what to expect. But
18 before we begin, I want to tell you why we have
19 asked you here, and I want to be clear it's not
20 because we think you have done anything wrong. You
21 know, in fact, we know you have been really helpful
22 to folks who are trying to restore their voting
23 rights. We have asked you here because we are
24 trying to establish some facts around the
25 Certificate of Restoration process, and we know you

1 know that process. So, we want you to help us put
2 some things on the record, okay?

3 A Okay.

4 Q All right. Have you ever sat for a
5 deposition before?

6 A No.

7 Q Okay. So, first time. All right. So,
8 I'll go over the rules just so you understand what
9 it's like. So, obviously, I'll be asking you some
10 questions.

11 The court reporter is going to be
12 transcribing everything that you say. So, to make
13 things easy on her, I want us to try not to speak at
14 the same time. So, if you are talking, I'll try to
15 be quiet and wait until you finish, and if you could
16 do the same for me, that would be great. Same when
17 the counsel for the State is speaking. And just
18 make sure that she can get everything on the record.
19 Just try to please answer everything out loud with
20 words, not nodding or shaking your head or anything
21 like that.

22 If you don't understand a question
23 for any reason, just let me know and I'll try to
24 rephrase it. If you do answer it, I'll assume that
25 understood the question. You might hear the

1 attorneys for the State object. They are doing that
2 to put the objection on the record, but you should
3 still answer the question.

4 If you need a break at anytime, you
5 need water, you need coffee, just let us know.
6 We're happy to accommodate that. I'm hoping we can
7 keep this relatively short. Does that sound good?

8 A Sounds great.

9 Q Okay. Do you understand that you are
10 under oath today?

11 A I do.

12 Q Okay. And is there any reason why you
13 cannot give truthful answers to any questions today?

14 A No.

15 Q Okay. Are you taking any medications that
16 impair your memory?

17 A No.

18 Q Do you have any conditions that impair
19 your memory?

20 A No.

21 Q Okay. Could you please state and spell
22 your full name for the record.

23 A Juanita Shaw, J-U-A-N-I-T-A S-H-A-W.

24 Q Thank you. Before you were asked to
25 testify today, have you -- had you heard about this

1 lawsuit?

2 A No.

3 Q Okay. And since you have been asked to
4 testify, have you become familiar with any of
5 the details of this lawsuit?

6 A No.

7 Q Okay. Well, I'm going to give you
8 something now.

9 MS. BOWIE: Please mark this as Exhibit A.

10 (The above-referred to document was thereupon marked
11 Shaw Exhibit A, and is attached hereto.)

12 BY MS. BOWIE:

13 Q If you could, would you just read the
14 beginning of the caption up at the top here. So
15 that's starting with the "Tennessee Conference of
16 the National Association for the Advancement of
17 Colored People."

18 A Okay. So you want me to read the --

19 Q Yeah, I just want us to get familiar --

20 A Okay.

21 Q -- so we're on the same page.

22 A "Tennessee Conference of the National
23 Association for the Advancement of Colored People,
24 on behalf of itself and its members, and Lamar
25 Perry, Curtis Gray Jr., John Weare, Benjamin

1 Tournier, and Amanda Lee Martin, for themselves and
2 those similarly situated."

3 Q Okay. Thank you. And then you can just
4 read to yourself the Defendants there.

5 A Okay.

6 Q Okay. And could you read the title for
7 the document please. You can just read it to
8 yourself.

9 A (Witness complies.)

10 Q And then, if you don't mind, over on Page
11 2, would you read paragraph 2 out loud.

12 A "The primary pathway to voting rights
13 restoration in Tennessee is a Certificate of
14 Restoration of Voting Rights ("COR"). Tennessee law
15 makes clear that an individual who meets certain
16 criteria-including completion of sentence and
17 certain legal financial obligations-has a statutory
18 right to a COR. The legislature intended the COR
19 system to streamline and make uniform and objective
20 the voting rights restoration process, which had
21 previously primarily depended on judicial
22 discretion. The legislature assigned Defendants
23 responsibility for managing the COR process. But
24 due to Defendants' failure to administer the law
25 properly, the process is far from streamlined,

1 uniform, or objective. It is opaque, decentralized,
2 inaccurate, and inaccessible."

3 Q Thank you. Are you familiar with any of
4 the Plaintiffs in this case that are listed on the
5 first page?

6 A I don't believe so.

7 Q Okay.

8 A Not that I'm -- no.

9 Q Okay. And if you don't mind skipping to
10 paragraph 122, and that's going to be on Page 36.

11 A Okay.

12 Q Would you -- you can just read that to
13 yourself.

14 A Okay.

15 Q Thank you. And then, at the very end on
16 Page 45, can you look this over and just let us know
17 if you are familiar with any of the folks on this
18 page.

19 A I am familiar with Keeda Haynes.

20 Q Okay. How do you know Ms. Haynes?

21 A Ms. Haynes is a representative of the Free
22 Hearts organization.

23 Q Uh-huh. And how do you know Free Hearts
24 organization?

25 A I came to know Free Hearts organization

1 during the 2020 election year.

2 Q Okay. In what capacity?

3 A As a probation parole manager.

4 Q Yeah. And what -- what kind of work have
5 you done with Free Hearts or --

6 A So, I've assisted with preparation of
7 CORs.

8 Q Okay. So, it's your understanding that
9 Free Hearts helps people get their Certificates of
10 Restoration?

11 A Correct.

12 Q Okay. Thank you. Um, so, have you ever
13 been asked to, um, produce or review any documents
14 for this case?

15 A No.

16 Q Okay. So you have not been asked to
17 search for or produce any records pertaining to
18 Certificates of Restoration for this case?

19 A No.

20 Q Okay. And you have not been asked to
21 search for or produce any communications like emails
22 for this case?

23 A No.

24 Q Okay. How did you prepare for this
25 deposition today?

1 A I didn't.

2 Q Okay. That's totally fine. So, did you
3 discuss this deposition with anyone else?

4 A No.

5 Q Okay. How did you find out that you were
6 being asked to sit?

7 A I received an email.

8 Q Okay.

9 A Email notification.

10 Q Okay. Who was that email from?

11 A I believe the email may have come
12 from -- I think his name is Brice. He may be the
13 legal assistant counsel for our department.

14 Q Okay.

15 A I believe. I'm really not -- yeah, I'm
16 not sure. I know he was included in the email.

17 Q Okay. Got it. And did you discuss this
18 deposition with your supervisor?

19 A Well, I made her aware. Once I received
20 the email, I forwarded the email to her.

21 Q Got it.

22 A And so -- yeah.

23 Q But you didn't discuss any of --

24 A No.

25 Q -- the topic of it or anything?

1 A No.

2 Q Okay. All right. And you haven't
3 reviewed any documents to prepare for this?

4 A No.

5 Q Okay. Anything else that you might have
6 done to prepare for this deposition?

7 A No.

8 Q All right. All right. Well, let's --
9 let's change topics --

10 MR. VARELA: Just for the record, she has
11 discussed this with counsel but beyond that --

12 MS. BOWIE: Yes, I understand that.

13 MR. VARELA: Just to clarify that. Beyond
14 that, she hasn't.

15 MS. BOWIE: Okay. Thanks, Pablo.

16 BY MS. BOWIE:

17 Q All right. Let's turn to your
18 professional and educational background, if you
19 don't mind. Can you please start by describing or
20 summarizing your educational background.

21 A My educational background consists of I
22 have a bachelor's degree in criminal justice,
23 master's degree in criminal justice administration
24 and that's pretty much it.

25 Q Okay. And when did you start working at

1 the Tennessee Department of Correction?

2 A I started working for Tennessee Department
3 of Correction maybe March of 1999.

4 Q Okay.

5 A So, yeah.

6 Q Awhile back?

7 A Well, the department has merged. So, it
8 was once BOPP. Now it's one department, so, yeah.

9 Q Got it. And so when you started, just to
10 be clear, were you working for Department of
11 Correction or BOPP?

12 A TDOC.

13 Q Got it. And what position did you hold
14 there when you began working?

15 A So when I was first hired, I, um, started
16 as a correction officer.

17 Q Okay. And what were your duties in that
18 role?

19 A Um, my job responsibility would have been
20 to provide security for, um, a group of inmates in
21 housing units, just various tasks, um, clerical
22 tasks, just all depending --

23 Q Okay. Got it.

24 A -- on what was needed.

25 Q How long were you in that role?

1 A I was there for maybe six years.

2 Q Okay.

3 A Six -- six years.

4 Q While you were in that role, did you have
5 any responsibilities that pertained to the
6 restoration of voting rights?

7 A No.

8 Q Okay. And did you hold any other
9 positions before you started working at TDOC?

10 A Um, with -- no. I have had other jobs
11 prior to working with TDOC. I've had multiple jobs.
12 So, I mean, do you want me to list all of the jobs I
13 have had?

14 Q Any that are relevant to correctional
15 work?

16 A Well, none are relevant.

17 Q Okay. And so, after that first position
18 as a correction officer, what was the trajectory of
19 your career with TDOC?

20 A So, I left the correctional position in
21 July of 2005 and joined BOPP, which would have been
22 the Board of Probation and Parole in 2005. And I've
23 been there ever since.

24 Q Okay. And what positions have you held
25 with BOPP?

1 A Probation Officer One, Probation Officer
2 Two, Probation Officer Three, Probation Parole
3 Manager. I served as an Interim Director.

4 Q And does One, Two, and Three, do those
5 designate levels of the position?

6 A It does, yeah.

7 Q Okay. And in those roles, were you
8 responsible for anything having to do with the
9 restoration of voting rights of folks with felony
10 convictions?

11 A As a probation parole manager, yes.

12 Q Okay. So, not as an officer but as a
13 manager?

14 A Correct.

15 Q And as an Interim Director, as well?

16 A No.

17 Q Okay. Um, in your current position --
18 which is manager, correct?

19 A Uh-huh.

20 Q -- what are your duties?

21 A So, my duties consist of, um, I have
22 oversight of a team of probation officers.

23 Q Uh-huh.

24 A I am the voters restoration coordinator
25 for my district.

1 Q Okay.

2 A Um, assist with just various tasks
3 throughout the office but primarily provide an
4 oversight for the probation officers, supervising a
5 team of probation officers.

6 Q How many probation officers do you
7 supervise?

8 A I currently have a team of five.

9 Q Okay. And is that all of the officers at
10 your location or are there multiple teams there?

11 A There are multiple teams.

12 Q Okay. So, in your role as voter
13 restoration coordinator for the district, would you
14 say that you are primarily responsible for issuing
15 Certificates of Restoration?

16 MR. VARELA: Object to the form.

17 BY MS. BOWIE:

18 Q You can answer.

19 A I'm not primarily responsible. Each
20 individual officer is responsible for completing a
21 voters restoration --

22 Q Okay.

23 A -- for their assigned cases.

24 Q Do you issue any of the Certificates
25 yourself?

1 A I don't issue the Certificates. So, once
2 the Certificates are completed, they are submitted
3 to another agency.

4 Q What agency is that?

5 A The Criminal Court Clerk's Office.

6 Q So, I'm going to come back to that, and
7 we'll talk more about that later. But so, I just
8 want to be clear. The officers that you supervise
9 fill out Certificate of Restoration?

10 A Correct.

11 Q And you also fill out Certificates of
12 Restoration?

13 A I do.

14 Q Okay. Are there others in the office that
15 fill out Certificates of Restoration?

16 A All managers, all officers.

17 Q Okay. And when you say that you are the
18 voter restoration coordinator for the district, what
19 does that mean?

20 A So, basically what that means is that once
21 a Certificate is completed by an officer or a
22 manager, then those Certificates are then submitted
23 to me.

24 Q Okay.

25 A And -- and I keep the record of the

1 Certificates.

2 Q Okay. So you keep a copy of all
3 Certificates that are filled out?

4 A Correct.

5 Q Okay. Do you also track those in any
6 other way besides keeping a copy of them?

7 A No.

8 Q Okay. And when you say that you are the
9 voter restoration coordinator for the district, what
10 do you mean by the district?

11 A So, Tennessee Department has multiple
12 districts. Um, district -- the District 40 is the
13 middle region district. That's the district that's
14 located in Nashville. So, we have districts
15 throughout the state.

16 Q And what geographical area does District
17 40 cover?

18 A The middle region. Well, the Nashville,
19 Davidson County area.

20 Q Okay. So just Davidson County?

21 A Uh-huh.

22 Q And all of Davidson County?

23 A Correct.

24 Q Okay.

25 A Well, no, not all of Davidson County.

1 Q Not all. Okay.

2 A Just Davidson County probation, Davidson
3 County probation.

4 Q Right. Geographically, all of Davidson
5 but just probation?

6 A Well, we have a parole office in Davidson
7 County, as well. So, that's why I said --

8 Q Got it.

9 A -- Davidson County probation office, the
10 state probation office in Davidson County.

11 Q Okay. Thank you for clarifying that. All
12 right. And who is your supervisor?

13 A Norisha Atkins.

14 Q And do you know who her supervisor is?

15 A Ian McCarty.

16 Q Okay. And what is Norisha's role? What
17 is Ms. Atkins's role?

18 A Norisha is the district director for
19 District 40.

20 Q Okay. And you said Ian McCarty?

21 A Ian.

22 Q Ann?

23 A Ian.

24 Q Ian, okay.

25 A Ian McCarty.

1 Q And what is their role?

2 A Ian McCarty is the correctional
3 administrator for the middle region.

4 Q Okay. Thank you. So, now I'm just going
5 to talk a little bit more about the process
6 of issuing Certificates of Restoration.

7 A Okay.

8 Q So, how long have you worked on
9 Certificates of Restoration?

10 A I'm going to say approximately four years.

11 Q Okay. And so, is that how long you have
12 been a manager?

13 A No.

14 Q Okay.

15 A Um, yeah, no.

16 Q So, when you were a manager before four
17 years, that just wasn't part of your job
18 responsibilities?

19 A Correct.

20 Q Okay. So when you were delegated or
21 started taking on that role, what sort of training
22 did you receive?

23 MR. VARELA: Object to the form. You can
24 answer.

25

1 BY MS. BOWIE:

2 Q You can still answer, yeah.

3 A I didn't necessarily receive any training.

4 Q Okay. How did you figure out where to
5 begin?

6 A Well, the COR is kind of self-explanatory,
7 you know, with basic information for the offenders.
8 So, it's based on information that's within our
9 database. If it's not there, then, you know, there
10 are other realms that we go about to obtain that
11 information. So, it wasn't any real training.

12 Q Were you given any materials?

13 A No.

14 Q Okay. Were you given any policies?

15 A So, we, TDOC, has policies to address
16 everything that we do.

17 Q Okay. So you were given policies on
18 voting rights restoration?

19 A The policies are available.

20 Q The policies are available. Were you
21 asked to look over those?

22 A No.

23 Q Okay. Did you look over them?

24 A I've read -- yes.

25 Q Since then or when --

1 A No.

2 Q -- started?

3 A No.

4 Q Okay. And did they give you -- or how
5 were you given that role? Let me ask it that way.

6 A I wasn't really given the role. I kind of
7 took the role on my -- I took the initiative to take
8 on the role.

9 Q Okay.

10 A So it wasn't really -- it wasn't delegated
11 to me or anything like that. It was -- you know, I
12 would say that I'm probably one of the senior
13 managers in the office. And so, you know, we used
14 to have someone else who handled voters restoration.
15 And I'm familiar with it, so I just took on the
16 process.

17 Q Got it. Who handled it before you?

18 A Charlotte Mann.

19 Q And how are you familiar with it?

20 A How am I familiar with?

21 Q How were you familiar with it when --
22 before you were working on it?

23 A Well, I mean, we would have to go to
24 Charlotte Mann if there was a question about the
25 voters restoration.

1 Q Okay. And before you -- so were you
2 filling them out at the time then?

3 A No.

4 Q She was only filling them out?

5 A Yes.

6 Q Okay. So, since then you now have your
7 own probation officers that you are supervising.
8 Have you trained them on how to fill out the
9 Certificates?

10 A Yes.

11 Q How do you do that?

12 A Well, so basically when an offender -- if
13 the situation arises to where a COR is needed, then
14 officers will, you know, come to me, you know, and
15 I'll explain to them the process and how many need
16 to be completed, go through for which cases we
17 complete a COR, and so on and so forth.

18 Q When does a situation arise that they need
19 to be completed?

20 A Once an offender has successfully
21 completed supervision.

22 Q And at that point, what happens?

23 A A case closure process, a case closure
24 review is completed, the officer documents closing
25 the case, and documents completing a COR. And then

1 Q Okay. Where did that come from?

2 A I receive lists from Free Hearts, lists
3 from the representative with the Davidson County
4 Criminal Court Clerk's Office.

5 Q Okay. Have you received a list from
6 anywhere else?

7 A No.

8 Q Okay. So we have covered, in terms of
9 requests, requests from the individual, requests
10 from sort of a non-profit or the organization that's
11 helping them, and requests from the clerks. Are
12 there any other types of requests that you have
13 received or requests from other actors?

14 A Not that I can recall.

15 Q Okay. Have you ever been asked to start a
16 Certificate by someone and determined that that
17 request was improper or coming from the wrong
18 person?

19 MR. VARELA: Object to the form.

20 THE WITNESS: I'm not aware of a time
21 where I've received such.

22 BY MS. BOWIE:

23 Q Okay. Do requests typically come in
24 writing?

25 A Electronic maybe, email.

1 Q Sometimes email?

2 A Via email. I don't ever receive a request
3 in writing, you know, unless you want to refer to an
4 email as in writing.

5 Q Okay. And if somebody calls on the phone,
6 do you make a record of that?

7 A I do.

8 Q Where do you make that record?

9 A So, if it's a phonecall and I'm in my
10 office, then I'll take down information on a notepad
11 or a sticky note.

12 Q Do you put that into an electronic
13 database anywhere?

14 A No.

15 Q Okay. So a sticky note or a notepad. Do
16 people ever come into the probation's office and ask
17 for a Certificate in person?

18 A There has been some in the past, yes.

19 Q Okay. And is there a record created of
20 that?

21 A So, if someone comes into the office, in
22 most cases they will either -- if I'm there, they
23 will reach out -- the front desk will call me and
24 will take down the individual's information. And
25 so, again, I'll document the information on a sticky

1 note. If I'm not there, the front desk will
2 document the information, and then they will send me
3 an email letting me know that someone -- the
4 individual has come in to request a copy of their --
5 or request their voters' rights application.

6 Q Got it. Do you save the sticky note after
7 you finish?

8 A No.

9 Q Okay. So the sticky notes are a running
10 to-do list?

11 A Correct.

12 Q Got it. I do that, too. Okay. And do
13 the officers that you supervise make a record of any
14 requests that they receive?

15 A So, the officers don't receive requests.
16 I don't know that they receive requests. That's
17 never been brought to my attention, that the
18 officers received a request.

19 Q Okay. So, do your officers directly meet
20 with probationers?

21 A Yes.

22 Q Okay. So, you don't know of any instance
23 where the probationer has asked for their voting
24 rights restorations in a meeting?

25 A Not to my knowledge.